

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.



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ATTOENEY FOR APPLICANT

8-3-99

DATE OF SIGNATURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of) Examiner: A. Soderquist
Edward L. Carver, Jr.) Group Art Unit: 1743
on APPARATUS FOR MAKING A PLURALITY)
OF REAGENT MIXTURES AND ANALYZING)
PARTICLE DISTRIBUTIONS OF THE)
REAGENT MIXTURES)
Serial No.: 09/039,789)
Filed on: March 16, 1998) (Our Docket No. 116340.0030)

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Hon. Assistant Secretary and Commissioner
of Patents and Trademarks
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, **CDC Technologies Inc.**, a corporation of the State of Connecticut, having an address at **1 Great Hill Road, Oxford, CT 06478**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on **Claim 35** of the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. **5,728,351**. The owner hereby agrees that any patent so granted on the instant application

shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on **Claim 35** of the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of either prior patent, as presently shortened by any terminal disclaimer, in the event that either such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

1.0 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

2.0 The undersigned is an attorney of record.

August 2, 1999

Date

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